



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
DELAWARE HARNESS RACING COMMISSION
2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901

www.state.de.us/deptagri

TELEPHONE: (302) 698 - 4599
FAX: (302) 697 - 4748

Minutes of the

Delaware Harness Racing Commission Meeting

PUBLIC SESSION

April 10, 2018 at 10:00 AM

Delaware Department of Agriculture - Conference Room

Commission Members Present

Beverly Steele	Chairman
Patt Wagner	Vice Chairman
George Staats	Commissioner
Stephanie Liguori	Commissioner
Jack Berberian	Commissioner

Others Present

DHRC Executive Director Mark Davis, Secretary Michael Scuse, Dover Downs Sr. Director of Racing John Hensley , Harrington Raceway General Manager Jim Boese, Harrington Raceway Asst. GM Matt Sparacino, Harrington Facilities Manager Karen Craft, DSOA Executive Director Sal DiMario and DSBF Executive Administrator Judy Davis-Wilson,

Staff member: Dan Kazmaier

Minutes: Donna Krol

CALL TO ORDER:

At 10:05 a.m. Chairman Steele called the public session of the meeting to order and welcomed all in attendance.

Immediately following the "Call to Order," the DHRC Commission dismissed to Executive Session. The Commission returned to Public Session after the Executive Session was complete.

Executive Session:

See Executive Session minutes.

Return to Public Session:

At 10:35 a.m. Chairman Steele called the public session of the meeting to order and welcomed all in attendance.

APPROVAL OF MINUTES:

Public minutes from the March 13, 2018 Commission Meeting were reviewed. Chairman Steele entertained a motion to approve the public minutes. Motion was made by Commissioner Berberian and seconded by Commissioner Liguori. Motion passed with unanimous voice vote.

Delaware Harness Racing Commission – Public Session
April 10, 2018

NEW BUSINESS:

DHRC RULE 5.3 TRAINERS-PROPOSED CHANGES FROM RULES COMMITTEE:

Definitions:

Principal Trainer is the trainer listed on the race program.

Trainer is an individual who receives any compensation, either directly or indirectly, for training the horse or who performs any of the criteria in 5.3.1.3.1 through 5.3.1.3.5. The trainer(s) is (are) the person or persons to whom trainer-related penalties shall apply in the event of a rule violation. In addition, there is a presumption that domestic partners that are individually licensed by the Commission will both be considered as trainer.

5.3 Trainers

5.3.1 Eligibility

5.3.1.1 A person shall not train horses without first having obtained a trainer license from the Commission valid for the current year by meeting the standards for trainers, as established by the United State Trotting Association.

5.3.1.2 Valid categories of licenses are:

5.3.1.2.1 "A," a full license valid for all meetings and permitting operation of a public stable; and

5.3.1.2.2 "L," a license restricted to the training of horses while owned by the holder and/or his or her immediate family at all race meetings.

5.3.1.3 If more than one person performs any of the criteria in 5.3.1.3.1 through 5.3.1.3.5 or receives any form of compensation, directly or indirectly, for training or managing the horse, then that person must also obtain a trainer's license from the Commission valid for the current year by meeting the standards for trainers, as established by the United State Trotting Association. It shall be a violation for the principal trainer of a horse to fail to disclose that an unlicensed person is acting as a trainer. In addition, the Commission may deny a license to any person who prior to having been granted a trainers license is determined by the judges or Commission to have acted as a trainer. The principal trainer and any other trainer(s) shall be liable for all rule violations and subject to a fine and /or suspension including revocation of license for such violation. For purposes of this rule, the judges shall use the following criteria in determining the identity of the trainer(s) of a horse:

5.3.1.3.1 The identity of the person who is responsible for the business decisions regarding the horse, including, but not limited to, business arrangements with and any payments to or from owners or other trainers, licensed or otherwise, veterinarians, feed companies, hiring and firing of employees, obtaining workers' compensation or proof of adequate insurance coverage, payroll, horsemen's bookkeeper, etc.;

5.3.1.3.2 The identity of the person responsible for communicating, or who in fact does communicate, with the racing secretary's office, stall manager, association and track management, owners, etc. regarding racing schedules and other matters pertaining to the entry, shipping and racing of the horse;

5.3.1.3.3 The identity of the person responsible for the principal conditioning of the horse;

5.3.1.3.4 The identity of the person responsible for race day preparation including, but not limited to, accompanying the horse to the paddock or ship-in barn, selection of equipment, authority to warm up the horse before the public, discussion with the driver of race strategy, etc.; and

5.3.1.3.5 The identity of the person who communicates on behalf of the owner with the judges and other Commission personnel regarding the horse, including regarding any questions concerning the location or condition of the horse, racing or medication violations, etc.

5.3.2 Trainer Responsibility

5.3.2.1 A trainer is responsible for the condition of horses entered in an official race and is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. If there is a principal trainer and one or more additional trainer(s) for a horse, all shall be responsible for any rules violations with respect to the horse. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable level, as reported by a Commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible. Whenever a principal trainer of a horse names a substitute trainer for program purposes due to his inability to be in attendance with the horse on the day of the race, or for any other reason, both trainers shall be responsible for the condition of the horse should the horse test positive.

5.3.2.2 A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

5.3.2.3 A trainer whose horse has been claimed remains responsible for any violation of rules regarding that horse's participation in the race in which the horse is claimed.

5.3.3 Other Responsibilities. A trainer is responsible for:

5.3.3.1 the condition and contents of stalls, tack rooms, feed rooms, sleeping rooms and other areas which have been assigned by the association;

5.3.3.2 maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

5.3.3.3 ensuring that fire prevention rules are strictly observed in the assigned stable area;

5.3.3.4 providing a list to the Commission of the trainer's employees on association grounds and any other area under the jurisdiction of the Commission. The list shall include each employee's name, occupation, social security number and occupational license number. The Commission shall be notified by the trainer, in writing, within 24 hours of any change;

5.3.3.5 the proper identity, custody, care, health, condition and safety of horses in his charge;

5.3.3.6 disclosure of the true and entire ownership of each horse in his care, custody or control;

5.3.3.7 registering with the racing secretary each horse in his charge within 24 hours of the horse's arrival on association grounds;

5.3.3.8 ensuring that, at the time of arrival at a licensed racetrack, each horse in his care is accompanied by a valid health certificate which shall be filed with the racing secretary;

5.3.3.9 having each horse in his care that is racing, or is stabled on association grounds, tested for Equine Infectious Anemia (EIA) in accordance with state/provincial law and for filing evidence of such negative test results with the racing secretary;

5.3.3.10 using the services of those veterinarians licensed by the Commission to attend horses that are on association grounds;

5.3.3.11 immediately reporting the alteration of the sex of a horse in his care to the horse identifier and the racing secretary, whose office shall note such alteration on the certificate of registration;

5.3.3.12 promptly reporting to the Presiding Judge, racing secretary and the State veterinarian any horse on which a posterior digital neurectomy (heel nerving) is performed and ensuring that such fact is designated on its certificate of registration;

5.3.3.13 promptly notifying the State veterinarian of any reportable disease and any unusual incidence of a communicable illness of any horse in his charge;

5.3.3.14 promptly reporting the death of any horse in his care on association grounds to the judges and the State veterinarian and compliance with the rules in Chapter 8 governing post-mortem examinations;

5.3.3.15 maintaining a knowledge of the medication record and status of all horses in his care;

5.3.3.16 immediately reporting to the Presiding Judge and the State veterinarian if he knows, or has cause to believe, that a horse in his custody, care or control has received any prohibited drugs or medication;

5.3.3.17 representing an owner in making entries and scratches and in all other matters pertaining to racing;

5.3.3.18 horses entered as to eligibility and allowances claimed;

5.3.3.19 ensuring the fitness of a horse to perform creditably at the distance entered and promptly requesting a scratch from Board of Judges if an entered horse becomes unfit to race (sick, lame, injured or deceased);

5.3.3.20 ensuring that his horses are properly prepared and equipped;

5.3.3.21 presenting his horse in the paddock at a time prescribed by the Presiding Judge before the race in which the horse is entered;

5.3.3.22 personally attending to his horses in the paddock and supervising the preparation thereof, unless excused by the Paddock Judge;

5.3.3.23 attending the collection of a urine or blood sample from the horse in his charge or delegating a licensed employee or the owner of the horse to do so; and

5.3.3.24 notifying horse owners upon the revocation or suspension of his trainer's license. Upon application by the owner, the Presiding Judge may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer, such horses may be entered to race.

5.3.4 Restrictions on Wagering. A trainer shall only be allowed to wager on his horse or entries to win or finish first in combination with other horses.

5.3.5 Substitute Trainers. If any licensed trainer is to be absent from the association grounds where his horse is programmed to race the Presiding Judge shall be immediately notified and at that time a licensed substitute trainer, acceptable to the Presiding Judge, shall be appointed to assume responsibility for the horse(s) racing during the absence of the regular trainer. The name of the substitute trainer shall appear on the program if possible.

Commission discussed and reviewed the proposed changes to DHRC Rule 5.3. The Commission approved the changes as proposed.

Changes will be published in the May Register of Regulations for 30 days. These changes will come before the Commission again in June for a final vote. The changes will be published in the July Register of Regulations to be effective on 7-11-18.

**Delaware Harness Racing Commission – Public Session
April 10, 2018**

Reports: Executive Director, Racing Officials, Veterinarian:

Executive Director: Activity Summary Report

Mark Davis reviewed the Activity Summary Report's provided to the Commission. Report covers the time period of March 1 through March 30, 2018.

Racing statistics: June

Total # of Live Racing Days = 16

Total # Live Races = 220

Average # Races per Day = 14

Total # of Starters = 1,918

Delaware Owned/Trained purse retention: Average = 84.0%

*Delaware Owned now includes horses that are full/partially owned or trained by Delaware residents.

License statistics:

Total # licenses issued = 63

Total Monthly = \$6,810.00/YTD Total = \$32,580.00.

(Total Monthly figures include Licenses, Fingerprints, Appeals and Fines)

Personnel Activities:

N/A

Meetings/Events attended by Mark Davis:

Rules Meeting: 3-6-18 and 3-27-18

Commission Meeting: 3-13-18

Harrington Pre Meet Inspection: 3-29-18

Racing Official Report - Presiding Judge:

Reported by: Dan Kazmaier

Total # of Rulings: 6

Total fine amount: \$1,150.00

Racing Official Report - Chief Investigator:

Reported by: Mark Davis

Total # Human Drug Tests = 11

Positive result: None

Total # Breathalyzer tests = 854 average 53/day, Positive result – None

Total # Truck & Trailer Searches completed = 43 no violations/seizures

Racing Official Report - Veterinarian:

Reported by: Mark Davis

Total # of starters = 1,918

Post- Race Testing:

222 Blood samples were collected.

165 Urine samples

57 incomplete collections (no urine)

Catch Rate = 74.5%, average time per catch was 37.7 minutes
Judge's Special Tests: 1

Horse Euthanized On/Off Track: None
Accident On/Off Track: None

3 A-Fib, 0 Breakdown, 40 scratches (Sick & Vet)

**Delaware Harness Racing Commission – Public Session
April 10, 2018**

Reports: Executive Director, Racing Officials, Veterinarian: continued...

OUT OF COMPETITION TESTING:

NONE

FREEDOM of INFORMATION ACT Requests:

NONE

PUBLIC COMMENT:

Karen Craft noted that Harrington's first night of racing went well. They had 13 races and the Club House was full.

John Hensley noted that Dover Downs saw an increase of 5% in their handle for the 2017-2018 Meet. Dover Downs had a new Race Secretary for the meet and there were changes made to the program.

CLOSE OF PUBLIC MEETING:

With no further public business to discuss, Chairman Steele made a motion to adjourn the public session. Motion was carried by Commissioner Berberian and seconded by Commissioner Staats.

Meeting was adjourned at 10:51 a.m.

Next Regular Commission Meeting is scheduled for Tuesday, May 8, 2018 at 10:00 AM

Next Rules Committee Meeting is scheduled for Tuesday, June 5, 2018 at 10:00 AM

Next DSBF Board Meeting is scheduled for Wednesday, July 11, 2018.